

REMARKS

INTRODUCTION

This Amendment is responsive to the Office Action of September 9, 2005.

Claims 1, 6, 7, 14, 16, 20 and 23 have been amended herein. Claims 4 and 5 have been canceled. Thus, Claims 1-3 and 6-25 remain pending in this case.

Reexamination and reconsideration are respectfully requested. Please charge any deficiency or credit any over payment to Deposit Account No. 01-1960.

CLAIM REJECTIONS – CLAIMS 1-8, 12-16 & 20-25 – § 102(b)

Claims 1-8, 12-16 and 20-25 were rejected under 35 USC 102(b) as being anticipated by Davis (US 611,749).

Applicant's claimed invention is directed to a rodent terminating device with a unique one-piece trigger that includes a horizontal trigger portion and an integral vertical trigger portion. This unique one-piece trigger simplifies both the manufacturing of this device as well as its operation. Applicant has herein amended independent Claims 1, 14, 20 and 23 to recite the unique features of this device.

In particular, Claims 1, 14, 20 and 23 have been amended to recite that the horizontal trigger portion is substantially straight. This is vastly different from Davis as well as many of the other cited prior art references which include some form of loop, twist or bend to in the horizontal portion of the trigger to traverse over the top of the springs of the snap bar. In Applicant's claimed invention, the substantially straight horizontal portion extends beneath the pivot line defined by the snap bar. As an

example and not by way of limitation, this feature is shown in Applicant's Figure 1 wherein the horizontal trigger portion 46 extends beneath the pivot line "L." By extending beneath the pivot line, Applicant's horizontal trigger portion need not include any loops, twists or bends as found in the prior art which would otherwise compromise the strength of the horizontal portion.

Davis discloses a trigger that extends over and above the pivot line 7-7 of the snap bar 3. In doing so, Davis' trigger necessarily includes a loop 23 that traverses over the top of the springs 9. As discussed above, Applicant's independent claims recite a substantially straight horizontal trigger portion. Furthermore, Applicant's claimed horizontal trigger portion extends beneath the pivot line of the snap bar, which is exactly opposite of what is shown in Davis. The combination of Applicant's two features – a substantially straight horizontal trigger portion and said portion extending beneath the pivot line of the snap bar – results in a much stronger trigger that is also easier and cheaper to manufacture.

As a further advantage, Applicant's claimed device includes a trigger with a pivot point above the top surface of the base. This pivot point is found where the horizontal trigger portion meets the integral vertical trigger portion. As an example and not by way of limitation, the pivot point is illustrated in a preferred embodiment shown in Figures 2-4 and described in the specification at page 12, lines 1-5 (paragraph [0034]). Davis discloses a pivot point beneath the top surface of the trap which is inferior, as it requires a more complex structure which is more difficult to set up.

In addition, Applicant has amended the independent claims to recite that the integral vertical trigger portion extends upwardly from the horizontal trigger portion. This

facilitates ease of operation as the catch which is formed near the top of the vertical trigger portion is easily engageable with the snap bar. To the extent that any vertical portion is disclosed in Davis (cited as 16 in the Office Action), such a portion 16 is described as "downwardly-extending ear" in Davis. Thus, Davis also fails to show a vertical trigger portion that is integral with the horizontal trigger portion and extends upwardly from the horizontal portion.

CLAIM REJECTIONS – CLAIMS 9-11 & 17-19 - § 103(a)

Claims 9-11 and 17-19 were rejected under 35 USC § 103(a) as being unpatentable over Davis in view of O'Hara (US 5,488,800). The Office Action states that Davis discloses the claimed invention except for an adhesive on the platform.

However, as discussed above, the independent claims have been amended to recite unique features of the one-piece trigger in Applicant's invention. In particular, the combination of Davis and O'Hara nonetheless fails to disclose a substantially straight horizontal trigger portion that extends beneath the pivot line of the snap bar. Furthermore, the cited combination also does not teach or suggest an integral vertical portion that extends upwardly from the horizontal portion, and a pivot point above the top surface of the base.

Regarding dependent Claim 16, this claim has been amended to recite that the trigger defines a hole adjacent to the bend between the horizontal trigger portion and the vertical trigger portion. The anchor that pivotably couples the trigger to the base extends through this hole which is formed integrally with the trigger. Applicant

respectfully submits that the prior art does not disclose this feature in combination with those cited in independent Claim 14.

Therefore, Applicant respectfully submits that each independent claim is allowable over all prior art currently of record. Applicant further submits that the dependent claims are allowable over the cited reference for their dependence on allowable independent claims, for the further patentable features recited therein, and for any further grounds as may be recognized by the Examiner.

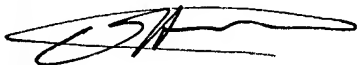
SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance. Applicants encourage the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on

February 8, 2006

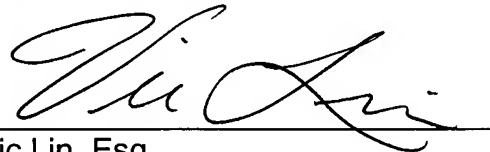
by Eric Hoover



Signature

February 8, 2006

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43,754

Myers Dawes Andras & Sherman LLP
19900 MacArthur Boulevard, 11th Floor
Irvine, CA 92612

Tel: (949) 223-9600

Fax: (949) 223-9610